

UNITED STATES OF AMERICA )  
 )  
v. ) NO. 2:97-CR-07  
 )  
GEORGIA BELLE MULLINS )

This criminal matter is before the Court on a remand from the United States Court of Appeals for the Sixth Circuit for the limited purpose of considering the *pro se* defendant's notice of appeal which was filed on July 25, 2005 as a motion for an extension of time. The defendant sought to appeal the Court's order dated June 24, 2005, which was not mailed by the Clerk's Office to the defendant until July 11, 2005. July 11, 2005 was the same day that her notice of appeal was due. In regard to extensions of time for filing of a motion of appeal in a criminal case, the F. R. App. P.4(b)(4) provides:

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expiration of the time otherwise prescribed by this Rule 4(b).

Because the Clerk's office failed to mail the order to the defendant, she did not timely file a notice of appeal. Therefore, the Court **FINDS** that defendant's failure to file a notice of appeal based upon that reason constitutes good cause, and it is hereby **ORDERED** that the defendant is **GRANTED** an extension of time to file her notice of appeal up to and including July 30, 2005. Therefore, her notice of appeal filed on July 25, 2005 is timely.

ENTER:

s/J. RONNIE GREER  
UNITED STATES DISTRICT JUDGE